

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 05-10363-GAO

ONE BEACON AMERICA INSURANCE COMPANY,  
Plaintiff

V.

CROSBY YACHT YARD, INC.,  
Defendant.

PLAINTIFF'S MOTION TO CONSOLIDATE

Now comes the plaintiff, One Beacon America Insurance Company, in the above entitled matter, by and through its undersigned counsel, Clinton & Muzyka, P.C. moves this Honorable Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate this cause of action with Civil Action Number 04cv12244-GAO, entitled "Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc.", and state as grounds for said motion, the following:

1. That this cause, and Civil Action Number 04cv12244-GAO, pending before the Honorable Judge O'Toole, are brought against the same defendant to redress similar injuries, the only difference being that none of the vessels involved in the matter herein were at Oyster Harbors Marine.

2. That the factual distinctions between these cases are very limited and in no way conflict so as to make separate trials necessary;

3. That the pretrial procedure and motions, if any, will be identical in each case, and there are common questions of law and fact;

4. That in the interest of judicial economy and the avoidance of costs and delay these causes should be consolidated;

5. The motion should be allowed for the reasons set forth in the attached memorandum.

**WHEREFORE,** the plaintiff prays that this cause be consolidated before Judge O'Toole with Civil Action Number 04cv12244-GAO, "Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc."

By its attorneys,

**CLINTON & MUZYKA, P.C.**

"/s/Robert E. Collins"

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Dated: September 2, 2005